

Remarks/Arguments

In the non-final Office Action dated August 23, 2007, it is noted that claims 1-10 are pending; that claims 4, 8, and 9 stand rejected under 35 U.S.C. §112; that claims 1, 5, and 7-10 stand rejected under 35 U.S.C. §102; that claims 2-4 and 6 stand rejected under 35 U.S.C. §103; that the drawings submitted on September 22, 2005 have been accepted; and that the claim for foreign priority under 35 U.S.C. §119 has been acknowledged.

By this response, new claims 11-16 have been added, claims 2 and 4 have been cancelled, and claims 1, 3, 5, and 7-10 have been amended to clarify one or more aspects of the present invention. No new matter has been added.

Amendment to the Claims

Claim 1 has been amended to include substantially the limitations in claims 2 and 4. Claims 2 and 4 have been cancelled.

Claim 3 has been amended to correct its dependency onto claim 1. Support for the other changes to claim 3 is disclosed in the original specification at page 7, lines 7-20 and in Table 1.

Claim 5 has been clarified. Support for the changes to claim 5 is disclosed in the original specification at page 5, lines 14-22 and at page 10, lines 22-26.

Editorial changes have been made to claims 7, 8, and 10.

Claim 9, an apparatus claim, has been amended in a manner substantially consistent with the amendments to method claim 1.

New claims 11-16 have been added. These claims include limitations substantially similar to those in the original specification and claims. In addition, the limitations found in new claims 15-16 is disclosed in the original specification at page 5, lines 14-22 and at page 10, lines 22-26.

The amendments to the claims are believed to be proper and justified. All the pending claims are believed to be supported by the original application. No new matter has been added to the claims.

Rejection of Claims 4, 8, and 9 under 35 U.S.C. §112

Claims 4, 8, and 9 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

Claim 4 has been cancelled and its limitations have been included in amended claim 1. With respect to the limitation of "said rate" now appearing in claim 1, it should be apparent that this term can refer only to the antecedent "a rate" since it does not include the additional modifying term of "video frame". Therefore, it is submitted that the reference to "said rate" in amended claim 1, and formerly in now cancelled claim 4, is clear and definite.

Claim 8 has been amended to call for both "a data structure" and "a page composition." This amendment obviates the several grounds of rejection concerning antecedent basis.

Although reference is made to claim 9 in the statement of the rejection (*see the present Office Action, page 2, ¶3*), there is no further mention of claim 9 in the remaining subparagraphs of the rejection. Therefore, it is submitted that this Office Action fails to state a *prima facie* case of indefiniteness with respect to claim 9.

In light of the remarks above, it is submitted that the pending claims are allowable under 35 U.S.C. §112. Withdrawal of the rejection of claims 8 and 9 is respectfully requested.

Rejection of Claims 1, 5, 7, 8, 9, and 10 under 35 U.S.C. §102

Claims 1, 5, 7, 8, 9, and 10 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent Application Publication No. 2001/0048448 (hereinafter "Raiz"). This rejection is respectfully traversed.

Claim 1 is an independent claim that serves as a base claim for claims 5, 6, 7, 8, and 10. Claim 9 is an independent claim that includes limitations substantially similar to claim 1. Claim 1 and claim 9 call, in part, for, "wherein the image data representing a particular menu button state on a display includes a sequence of pictures".

It is stated in the Office Action at page 5 that "Raiz does not explicitly disclose wherein the image data representing a particular menu button state on the display contain a sequence of pictures." Therefore, Raiz does not teach all the limitations found in independent claims 1 and 9.

In light of the remarks above, it is believed that Raiz does not anticipate or make obvious claims 1, 5, 7, 8, 9, and 10. Thus, it is submitted that claims 1, 5, 7, 8, 9, and 10 are allowable under 35 U.S.C. §102 and 35 U.S.C. §103.

Rejection of Claims 2-4 under 35 U.S.C. §103

Claims 2-4 stand rejected under 35 U.S.C. §103 as being unpatentable over Raiz in view of U.S. Patent 5,428,730 (hereinafter "Baker"). Claims 2 and 4 have been cancelled. This rejection is respectfully traversed.

Claim 1 is an independent base claim from which claim 3 directly depends. Since claim 3 depends from claim 1, the remarks below will be addressed to the limitations in the base claim, claim 1, as well as the dependent claim, claim 3. Base independent claim 1, as amended, calls in part for:

- *data describing the menu buttons are also stored on said storage medium, the data comprising, for each button, image data; and*
- *a menu button is represented by different images corresponding to different image data depending on its state being normal, selected or activated, wherein the image data representing a particular menu button state on a display includes a sequence of pictures and wherein a rate at which the sequence of pictures is displayed is relative to a video frame rate, and a value representing said rate at which the sequence of pictures is displayed is stored on said storage medium*

Neither Baker nor Raiz teaches, shows, or suggests that the image data includes a sequence of pictures and that the sequence of pictures is stored on the storage medium. Neither Baker nor Raiz even mentions or remotely hints at the existence of a sequence of pictures in their disclosures. It has already been discussed above that the present Office Action admits that Raiz lacks such teachings. The present Office Action attempts to support the rejection on this basis by pointing to the following passage taken from column 4, lines 57-65 of Baker:

Preferably, each button presents a visual differentiation between actuated and non-actuated conditions. This can be accomplished by shadowing the buttons to give appearances of being pushed in or sticking out from the plane of the display. Some of the buttons may also be animated. For example, scan forward and scan backward buttons may have a series of arrows that are successively highlighted to simulate the direction of movement.

Although Baker mentions animation and a series of highlighted arrows to simulate motion in the excerpted passage, Baker provides no clear and definite indication that either effect is accomplished by a sequence of pictures stored as image data on the

storage medium as required by Applicants' claim. It is only upon reading Applicants' specification and claims that the limitations appear about the sequence of pictures and their storage on the storage medium. But Applicants' specification and teachings cannot be used as prior art against itself. Thus, it is submitted that Raiz and Baker do not teach, show, or suggest this limitation in claim 3 from base claim 1.

Neither Baker nor Raiz teaches, shows, or suggests that the "rate at which the sequence of pictures is displayed is relative to a video frame rate, and a value representing said rate at which the sequence of pictures is displayed is stored on said storage medium". Neither Baker nor Raiz even mentions terms such as "rate", "frame rate", or concepts such as one rate being "relative" to another rate, or any other similar concept in their disclosures. The present Office Action appears to support this ground of the rejection by pointing to the following passage taken from column 3, lines 25-28 of Baker:

DAC 66 is connected to monitor 68 that provides a conventional output screen or display for viewing by a user.

But this passage lacks any mention about relative rates, the video frame rate, or any rate relative to a video frame rate. Raiz also is similarly lacking in any teaching related to a rate relative to the video frame rate. Furthermore, as discussed above, neither reference mentions anything about a sequence of pictures. It therefore follows that neither reference teaches Applicants' limitation of "a rate at which the sequence of pictures is displayed". Neither Raiz nor Baker mentions, expressly or impliedly, that a value representing a rate is stored on the storage medium. As a result, it is submitted that Raiz and Baker do not teach, show, or suggest this limitation in claim 3 dependent from base claim 1.

In light of the remarks above, it is believed that the elements of claim 3 would not have been obvious to a person of ordinary skill in the art upon a reading of Raiz and Baker, separately or in combination. Thus, it is submitted that claim 3 is allowable under 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

Rejection of Claim 6 under 35 U.S.C. §103

Claim 6 stands rejected under 35 U.S.C. §103 as being unpatentable over Raiz in view of U.S. Patent Application Publication No. 2002/0109719 (hereinafter "Hata"). This rejection is respectfully traversed.

Claims 6 depends indirectly from independent base claim 1. The distinctions between claim 1 and the Raiz reference have been discussed above with respect to the rejection of claim 3 and will not be repeated herein.

The present Office Action admits on page 6 that, "Raiz does not explicitly disclose wherein the sound associated with a state of a menu button is a speech sequence." The Office Action then goes on to say that Raiz implies the use of sounds and provides support for this assertion in Fig. 2 of Raiz by citing "('Sounds', 'Browse', Fig.2.)". This latter assertion is without merit.

Neither Raiz nor Hata include such words as "sounds" or "browse" in their respective specification or figures. As a result, there is no basis upon which to combine the references.

Moreover, the cited paragraph [0083] of Hata lacks any mention of using a speech sequence. The cited portion of Hata merely defines the manner in which the feeling of an avatar, as defined by a condition and a level (see *Hata at para. [0071]*), can be used to reference a voice in state table 71. As clarified in paragraphs [0011] and [0066], the reference to a voice in state table 71 is employed to control the tone of the voice and thereby be more or less expressive for the avatar's feeling. But there is no indication in Hata and Raiz that one or more speech sequences are being stored.

In light of the remarks above with respect to claim 6, it is submitted that a prima facie case of obviousness has not been made out in the present Office Action. Further in view of the remarks above as well as the remarks with respect to claim 3 and its base claim 1, it is submitted that, even if a prima facie case had been made, a position with which Applicants neither agree nor acquiesce, the combined references of Raiz and Hata fail to teach, show, or suggest the elements of claim 6. It is believed that the elements of claim 6, dependent indirectly from claim 1, would not have been obvious to a person of ordinary skill in the art upon a reading of Raiz and Hata, separately or in combination. Thus, it is submitted that claim 6 is allowable under 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.


Conclusion

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner contact the applicant's attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled for resolving such issues as expeditiously as possible.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 07-0832.

Respectfully submitted,

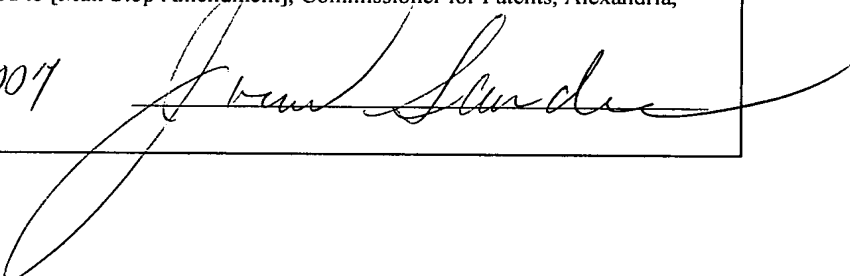

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CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to [Mail Stop Amendment], Commissioner for Patents, Alexandria, Virginia 22313-1450 on:

Date


November 21, 2007